

Department of Human Services  
Office of Licensing  
Public Hearing Draft Minutes

Hearing Officer: Sonia Sweeney, J.D.  
November 30, 2021 from 2:00 to 3:00 pm  
Zoom only

Public Comment on R495-876, Filing ID 54006, R501-1, Filing ID 54007, R501-8, Filing ID 54008, R501-15, Filing ID 54009, R501-19, Filing ID 54010, R501-22, Filing ID 54011

- 2:00pm Sonia Sweeney: Opened meeting. The following rules are open for public comment:  
Rule R495-876 - Provider Code of Conduct  
Rule R501-1 - General Provisions for Licensing  
Rule R501-8 - Outdoor Youth Programs  
Rule R501-15 - Therapeutic Schools  
Rule R501-19 - Residential Treatment Programs  
Rule R501-22 - Residential Support Programs
- 2:02pm Sonia Sweeney: Invited public comment for Rule R495-876 - Provider Code of Conduct.
- No comments from the public
- 2:04pm Sonia Sweeney: Invited public comment for Rule R501-1 - General Provisions for Licensing
- Karen Scrafford: R501-1-26(3)(c) Unclear what a medical professional is. Unclear about out of line of sight of direct care staff
- Amanda Slater: A medical professional is licensed under the medical professional that is registered with DOPL. Line of site concern, direct care staff, will be reviewed.
- Steven DeMille: 501-1-3(33) Residential program definition. Outdoor youth is included under residential program rules later outline physical facility requirements for residential programs, so facility expectations don't apply. Supported emphasis on suicide awareness rules.
- 2:14pm Sonia Sweeney: Invited public comment for Rule R501-8 - Outdoor Youth Programs

Steven DeMille: 501-8-5(7) Three direct care field staff. This is the only standard that has a specific number. 501-8-6(1) directly supervised by three direct care staff, one of which must be a senior field staff. Standard inadvertently pushes programs to have fewer large groups and limit flexibility in staffing and group sizes

Darren Jensen: 501-8-6 Three direct care field staff is problematic along with the hiring conditions in Utah are prohibitive to finding new staff to fill the positions. Require increase in staffing by 50% or make two larger groups and dismiss eight clients. Training time for new staff is a minimum of 8-9 weeks. R501-8-5(7) three assistant field staff.

Elisabeth Kitchens: Read an email from Darren Jensen. R501-8-6 Client Supervision. Currently run groups of eight clients with two staff. The current proposed staffing of a minimum of three staff would require us to run groups of twelve clients. R501-8-5(7) Staff, Interns, and Volunteers. This has been explained to us as being necessary to meet the minimum 3 staff proposal.

Karen Scrafford: R501-8-6(1) Three direct care staff. Can one of the three direct care staff be an assistant care staff.

McKay Devereaux: R501-8 Chronic psychological disorders that require a psychological evaluation. What are chronic psychological disorders.

Karen Scrafford: R501-8-9(4)(b)(ii) Would like to add unless waived in writing by the client's guardian. R501-8-9(3)(b) Would like to add within seven days or less.

2:38pm Sonia Sweeney: Invited public comment for Rule R501-15 - Therapeutic Schools

No comments from the public

2:39pm Sonia Sweeney: Invited public comment for Rule R501-19 - Residential Treatment Programs

No comments from the public

2:40pm Sonia Sweeney: Invited public comment for Rule R501-22 - Residential Support Programs

No comments from the public

2:42pm Steven DeMille: Is in support for increased emphasis for suicide awareness, prevention, and mitigation that was in SB127.

- 2:44pm Mckay Devereaux: R501-1-16 Weekly Confidential communication. Suggests the language to reflect confidential communication vs. confidential phone calls. R501-1-22(3)(e) All students from out-of-state need individualized disruption plan. Would like to remove the word individualized. R501-8-13 A staff will always be within fifteen minutes travel time of the field office. The purpose of this rule is for a staff to be close to the client records, with technology changing, client records are available with electronics that are on the staffs person. R501-1-3(35) is seclusion from other students or from other people.
- 2:49pm Karen Scrafford: R501-1-3(35) Seclusion in wilderness programs are different. Is one-on-one individualized attention for functioning enhancements the same as being isolated in a room. Four hour time frame is arbitrary and what is the evidence on this. Is there scientific evidence for the four hours.
- 2:52pm Darren Jensen: R501-8 Would recommend a committee to meet and review rule and update.
- 2:54pm Karen Scrafford: Appreciates what is being done, the dialogue and opportunity to collaborate.
- 2:55pm Amanda Slater: The Office of Licensing does intend to have a Q&A with providers to continue the dialogue.
- 2:56pm McKay Devereaux: R501-8 Would like to propose language that includes the ability to allow staff to utilize pain based compliance when there is eminent risk to health and safety to staff or students.
- 3:00pm Sonia Sweeney: Meeting is adjourned